

**DECLARATION AND POWER OF ATTORNEY - PATENT APPLICATION**

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought in the application entitled:

MATTRESS REPLACEMENT HAVING AIR FLUIDIZED SECTIONS, the  
specification of which  
(check one) ☒ is attached hereto October 23, 1998 as  
☐ was filed on \_\_\_\_\_ as  
United States Application Serial No. 09/177,772 or  
PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>60/063,118</u>	<u>October 24, 1997</u>
Application Number	Filing Date

_____	_____
Application Number	Filing Date

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_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

I hereby appoint William R. Coffey, Reg. No. 24023; Jerry E. Hyland, Reg. No. 20904; Richard D. Conard, Reg. No. 27321; Steven R. Lammert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; Timothy E. Niednagel, Reg. No. 33266; John P. Breen, Reg. No. 38833; Jill L. Werling, Reg. No. 39874; Nancy J. Harrison, Reg. No. 27083; R. Trevor Carter, Reg. No. 40549;

Dilip A. Kulkarni, Reg. No. 27510; Michael M. Barry, Reg. No. 41601; David B. Quick, Reg. No. 31993; Jill T. Powlick, Reg. No. 42088; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Bobby B. Gillenwater, Reg. No. 31105; Paul B. Hunt, Reg. No. 37154; Michael S. Gzybowski, Reg. No. 32316; Gerard T. Gallagher, Reg. No. 39679; and Robert D. Null, Reg. No. 40746, as attorneys of record with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith, and I specify that communications regarding the application be directed to:

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Indianapolis, Indiana 46204  
Telephone (317) 236-1313

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Alan W. Henlev  
Full Name of Sole or First Joint Inventor

U.S.  
Country of Citizenship

Inventor's Signature

Date

196 Prestwick Court

Summerville, SC 29483  
Residence and Post Office Address

Dana H. Delk  
Full Name of Second Joint Inventor, if any  
*Dana H. Delk*  
Second Inventor's Signature

U.S.  
Country of Citizenship  
2-17-99  
Date

4443 Great Oak Drive

North Charleston, SC 29418  
Residence and Post Office Address

Robert C. Novack  
Full Name of Third Joint Inventor, if any

U.S.  
Country of Citizenship

Third Inventor's Signature

Date

2834 Moss Oak Lane

Charleston, SC 29414  
Residence and Post Office Address

James J. Romano  
Full Name of Fourth Joint Inventor, if any

U.S.  
Country of Citizenship

Fourth Inventor's Signature

Date

135 Oyster Point Row

James Island, SC 29412  
Residence and Post Office Address

Additional inventors to be similarly identified on attached sheet.

Please type a plus sign (+) inside this box → ☐

PTO/SB/122 (11-96)  
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<b>CHANGE OF CORRESPONDENCE ADDRESS Application</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Application Number	09/177,772
	Filing Date	October 23, 1998
	First Named Inventor	Henley et al.
	Group Art Unit	3628
	Examiner Name	Morales, R.
	Attorney Docket Number	8266-0171

Please change the Correspondence Address for the above-identified application to:

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Firm or  
Individual Name

Timothy E. Niednagel

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Bose McKinney & Evans LLP

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City

Indianapolis

State

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ZIP

46204

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I am the :

☐

Applicant.

☐

Assignee of record of the entire interest.  
Certificate under 37 CFR 3.73(b) is enclosed.

☒

Attorney or agent of record .

Typed or  
Printed Name

Timothy E. Niednagel

Signature

*Timothy E. Niednagel*

Date

*June 6, 2000*

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

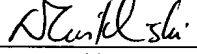
**BOSE McKINNEY & EVANS LLP**

**CUSTOMER NUMBER 25267**

2700 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, Indiana 46204  
(317) 684-5000

**PATENT APPLICATION**

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

<i>Group:</i>	Unknown	}	<u>Certificate Under 37 C.F.R. 1.10</u>
		}	
<i>Atty. Docket:</i>	8266-1276	}	Express Mail Label No.: <u>EV 322400122 US</u>
		}	
<i>Applicants:</i>	Alan W. Henley et al.	}	Date of Deposit: <u>March 19, 2004</u>
		}	
<i>Invention:</i>	MATTRESS	}	I hereby certify that this paper or fee is being deposited with the
		}	United States Postal Service' "Express Mail Post Office to
		}	Addressee" service under 37 C.F.R. 1.10 on the date
		}	indicated above and is addressed to: MAIL STOP PATENT
<i>Serial No.:</i>	Unknown	}	APPLICATION, Commissioner for Patents, P.O. Box 1450,
		}	Alexandria, VA 22313-1450
		}	
<i>Filed:</i>	Herewith	}	<u>D. Cwiklinski</u>
		}	Typed or Printed Name of Person Mailing Paper or Fee
		}	
<i>Examiner:</i>	Unknown	}	Signature of Person Mailing Paper or Fee

**ASSOCIATE POWER OF ATTORNEY**

**MAIL STOP PATENT APPLICATION**

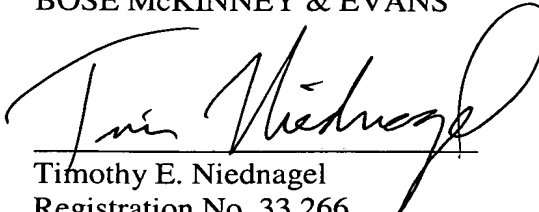
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Robert M. Ward, Reg. No. 26,517; James A. Coles, Reg. No. 28,291; Douglas A. Yerkeson, Reg. No. 39,882; Norman J. Hedges, Reg. No. 44,151; Christine E. Mayewski Orich, Reg. No. 44,987; Ryan C. Barker, Reg. No. 47,405; William S. Meyers, Reg. No. 42,884; and Charles W. Arnett, Reg. No. 51,414 are hereby appointed associate powers of attorney; and C. John Brown, Reg. No. 52,659; and Brion St. Amour, Reg. No. 55,640 as patent agents, in connection with the above-referenced matter.

Respectfully submitted,

**BOSE McKINNEY & EVANS**

  
Timothy E. Niednagel  
Registration No. 33,266

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Alan W. Henley  
Full Name of Sole or First Joint Inventor

Alan W. Henley  
Inventor's Signature

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Dana H. Delk  
Full Name of Second Joint Inventor, if any

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Date

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Country of Citizenship

\_\_\_\_\_  
Date

U.S.  
Country of Citizenship

\_\_\_\_\_  
Date

U.S.  
Country of Citizenship

3-2-99  
Date

Attorney Docket No.: 7175-62326  
N1-8760

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U.S.

Country of Citizenship

Inventor's Signature

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Dana H. Delk

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Country of Citizenship

Second Inventor's Signature

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Robert C. Novack

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CAPE CORAL, FL 33990

Charleston, SC 29414 REC'd 5/5/99

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James J. Romano

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Country of Citizenship

Fourth Inventor's Signature

Date

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Additional Inventors to be similarly identified on attached sheet.